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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,239	08/28/2001	Michael E. Sears	4000.2.57	5262
32641	7590	03/13/2006	EXAMINER	
DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			LAYE, JADE O	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/941,239	SEARS, MICHAEL E.	
	Examiner	Art Unit	
	Jade O. Laye	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

I. Applicant's amendments, dated 1/3/06, have been entered and made of record. Accordingly, the objections made in the previous Non-Final Action are hereby withdrawn.

Response to Arguments

II. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection, which is necessitated by Applicant's amended claims. Accordingly, **THIS ACTION IS MADE FINAL.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

III. Claims 1-4, 6, 8-11, 13-18, 21-24, 26, 28-31, 33-38, 41-44, 46, 48-51, 53-58, and 61-64 are rejected under 35 U.S.C. 102(b) as being anticipated by *Bruno et al.* (US Pat. No. 5,710,591).

As to Claim 1, *Bruno et al* disclose a method and apparatus for recording and indexing a multimedia conference call for subsequent display. In general, the system allows for the

recording of all data (audio and video) feed into the system and also allows a non-video enabled device to communicate with other video enabled devices. Considering this, it is inherent such a system have a method of detecting a communication request and determining what form of device (i.e., video or non-video enabled) is requesting the communication. (Abstract; Col. 1, Ln. 7-27; Col. 2, Ln. 16-36; Col. 3, Ln. 19-39; Col. 5, Ln. 8-32; Col. 9, Ln. 12-33). Accordingly, *Bruno et al* anticipate each and every limitation of Claim 1.

Claims 21, 41, and 63 correspond to Claim 1. Thus, each is analyzed and rejected as previously discussed.

The limitations of Claim 2 are encompassed within the rejection of Claim 1. Thus, it is analyzed and rejected as discussed previously.

Claims 22 and 42 correspond to Claim 2. Thus, each is analyzed and rejected as previously discussed.

As to Claim 3, *Bruno* further teaches a primary objection of the system is to allow subsequent retrieval of the recorded data. (Col. 2, Ln. 16-32). Thus, the limitations of Claim 3 are inherently disclosed. Accordingly, *Bruno et al* anticipate each and every limitation of Claim 3.

Claims 23 and 43 correspond to Claim 3. Thus, it is analyzed and rejected as previously discussed.

As to Claim 4, *Bruno* further teaches the system is capable of indexing the media, thereby allowing more efficient retrieval of said media. (Col. 3, Ln. 5-19; Col. 6, Ln. 13-31). This “indexing” infers some form of locator link used to index (i.e., correlating speaker with

video/audio) said media. Accordingly, *Bruno et al* anticipate each and every limitation of Claim 4.

Claims 24 and 44 correspond to Claim 4. Thus, each is analyzed and rejected as previously discussed.

As to Claim 6, *Bruno* further discloses that a user (i.e., telephone user) is allowed to request subsequent retrieval of indexed data. (Col. 6, Ln. 1-31). Therefore, the “indexing” is essentially a “locator link” because it allows the system to find a specified location within the stored data. Accordingly, *Bruno et al* anticipate each and every limitation of Claim 6.

Claims 26 and 46 correspond to Claim 6. Thus, each is analyzed and rejected as previously discussed.

The limitations of Claim 8 are encompassed within Claim 1. Thus, it is analyzed and rejected as discussed therein.

Claims 28 and 48 correspond to Claim 8. Thus, each is analyzed and rejected as previously discussed.

The limitations of Claim 9 are encompassed within the rejections of Claims 1 and 3. Thus, it is analyzed and rejected as discussed therein.

Claims 29 and 49 correspond to Claim 9. Thus, it is analyzed and rejected as previously discussed.

As to Claim 10, *Bruno* further discloses displaying video signals while synchronously outputting audio signals. (Col. 3, Ln. 19-40; Col. 4, Ln. 9-16). Accordingly, *Bruno et al* anticipate each and every limitation of Claim 10.

Claims 30 and 50 correspond to Claim 10. Thus, each is analyzed and rejected as previously discussed.

As to Claim 11, *Bruno* further teaches the use of compression technology. (Col. 2, Ln. 33-36). Accordingly, *Bruno et al* anticipate each and every limitation of Claim 11.

Claims 31 and 51 correspond to Claim 11. Thus, each is analyzed and rejected as previously discussed.

As to Claim 13, *Bruno* further teaches the use of computer memory storage (i.e., random access memory). (Col. 2, Ln. 29-33). Accordingly, *Bruno et al* anticipate each and every limitation of Claim 13.

Claims 33 and 53 correspond to Claim 13. Thus, each is analyzed and rejected as previously discussed.

As to Claims 14, 15, and 16, *Bruno* further teaches the use of a camera, personal computer, and a non-video enabled telephone, respectively. (Col. 5, ln. 8-18; Col. 9, Ln. 23-33). Accordingly, *Bruno et al* anticipate each and every limitation of Claims 14-16.

Claims 34 and 54 correspond to Claim 14. Thus, each is analyzed and rejected as previously discussed.

Claims 35 and 55 correspond to Claim 15, while Claims 36 and 56 correspond to Claim 16. Thus, each is analyzed and rejected as previously discussed.

As to Claim 17, *Bruno* further teaches the use of a multipoint control unit (i.e. server). (Col. 4, Ln. 44-53). Accordingly, *Bruno et al* anticipate each and every limitation of Claim 17.

Claims 37 and 57 correspond to Claim 17. Thus, each is analyzed and rejected as previously discussed.

As to Claim 18, *Bruno* discloses the use of a telephone network. (Col. 5, Ln. 8-32). Accordingly, *Bruno et al* anticipate each and every limitation of Claim 18.

Claims 38 and 58 correspond to Claim 18. Thus, each is analyzed and rejected as previously discussed.

Claim 61 contains limitations which are encompassed within the limitations of Claims 1, 2, and 3. Moreover, *Bruno* teaches the system is capable of displaying video signals and that users are allowed to communicate with each other (i.e., interact). (also disclosed under Claim 1). Therefore, the system could be broadly interpreted as being interactive television. Accordingly, *Bruno et al* anticipate each and every limitation of Claim 61.

Claims 62 and 64 correspond to and/or are encompassed by Claim 61. Thus, each is analyzed and rejected as previously discussed.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

IV. Claims 5, 7, 12, 19, 20, 25, 27, 32, 39, 40, 45, 47, 52, 59, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bruno et al*.

As to Claim 5, the Examiner takes Official Notice that, at the time of Applicant's invention, the use of URL's to identify locations was well known in this art. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's

invention to modify *Bruno* to include URL's, thus providing a method of identifying various locations within a network.

Claims 25 and 45 correspond to Claim 5. Thus, each is analyzed and rejected as previously discussed.

As to Claim 7, the Examiner takes Official Notice that, at the time of Applicant's invention, the use of messaging communication networks (i.e., capable of email transmissions, etc.) was well-known in this art. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to further modify *Bruno* in order to provide a system which allows users to send email messages to one another.

Claims 27 and 47 correspond to Claim 7. Thus, each is analyzed and rejected as previously discussed.

As to Claim 12, the Examiner takes Official Notice that, at the time of Applicant's invention, the use MPEG compression was well-known in this art. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to further modify *Bruno* in order to provide a system which utilizes channel bandwidth more efficiently.

Claims 32 and 52 correspond to Claim 12. Thus, each is analyzed and rejected as previously discussed.

As to Claim 19, the Examiner takes Official Notice that, at the time of Applicant's invention, servers located within broadcast centers were well known in this art. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's

invention to further modify *Bruno* in order to provide a system having a server located at the broadcast center, thereby reducing the cost of having multiple hubs in the network.

Claims 39 and 59 correspond to Claim 19. Thus, each is analyzed and rejected as previously discussed.

As to Claim 20, the Examiner takes Official Notice that, at the time of Applicant's invention, it was well-known to store multimedia data within computer terminals. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to further modify *Bruno* in order to provide a user with the ability to store data at his or her personal computer.

Claims 40 and 60 correspond to Claim 20. Thus, each is analyzed and rejected as previously discussed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Jade O. Laye

Initials: JK

March 4, 2006.



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
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